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**THE ACT**

—OF—

**INCORPORATION**

—OF THE—

**BROCKVILLE & OTTAWA**

**RAILWAY COMPANY,**

And the several Acts in Amendment thereof,

**WITH AN APPENDIX.**

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BROCKVILLE, C. W.

Printed by R. W. KELLY, at the "British Central Canadian" Office.

1861.

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Printed by R. W. KELLY, at the "British Central Canadian" Office.

1861.

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## An Act to incorporate the Brockville and Ottawa Railway Company.

Assented to April 22nd. 1853.

WHEREAS it is highly desirable that a Railway should be made from the St. Lawrence at Brockville to the Ottawa at Pembroke, by the way of the mouth of the Madawaska River, and the persons hereinafter mentioned and others have petitioned that a Company be incorporated for that purpose : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That George Crawford, John Crawford, Charles Edward Jones, Fordyce Lawton Lothrop, Robert Fitzsimmons the younger, George Sherwood, Allan Turner, Robert Edmonson, William Fitzsimmons, Robert Peden, David B. Ogden Ford, James L. Schofield, Ormond Jones, Reuben Powers Colton, William Matthie, John Ross the younger, George Morton, Albert N. Richards, Adiel Sherwood, John Kilborn, Alfred Poulton, Paul Glasford, William Henry Wilson, William Buell and Richard F. Steele, together with such other persons or Corporations as shall under the provisions of this Act become Shareholders in the Joint Stock Company hereby created for the construction of the Railway aforesaid, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of "The Brockville and Ottawa Railway Company."

II. And be it enacted, That the several Clauses of "The Railway Clauses Consolidation Act," with respect to the first, second, third and fourth Clauses thereof, and also the several Clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges,"

"Fences," "Tolls," "General Meetings," "Directors, their Elections and duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and fines and penalties and their prosecution," "Working of the Railway" and "General Provisions," except in so far only as may be inconsistent with any express provision hereinafter made, shall be incorporated with this Act; and shall be included by the expression "this Act" whenever used herein.

III. And be it enacted, That the said Company and their servants and agents shall have full power under this Act to lay out, construct, make and finish a double or single iron Railroad or way, at their own cost and charges, on or over all or any of the following sections: on and over any part of the Country from the Saint Lawrence at Brockville to the Rideau at or near Smith's Falls, and thence on and over any part of the Country to or near Arnprior at or near the mouth of the Madawaska River, and thence on and over any part of the country to the Ottawa River, at or near the Village of Pembroke in the Township of Pembroke; also, a branch thereof from the Rideau at or near Smith's Falls aforesaid to the Town of Perth, if the said Company shall deem it advisable to construct the same.

IV. And be it enacted, That all deeds and conveyances of lands to the said Company for the purposes of this Act shall and may, as far as the title and circumstances will admit, be in the form given in the Schedule to this Act marked A, or to that effect, and for the purpose of registering the same, all Registers in their respective Counties are hereby required to be furnished by and at the expense of the said Company with Books with copies of the form given in the said Schedule A; one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in the said Books to enter and register each such deed and conveyance, upon production thereof and payment of the fee hereinafter mentioned, and proof of execution in like manner *mutatis mutandis*, as is now made under the general registry laws in force in Upper Canada, without any memorial: And the Register shall thereupon minute such entry and registry upon the deed, which minute shall have all the effect of a certificate of registry under the general registry laws of Upper Canada, which said enregistering shall be valid and effectual for all the purposes of any Act or Acts now in force in Upper Canada for the registry of deeds, in like manner as if made according to the provisions of the same, and for such entry, registry and minute thereof as aforesaid, the said Register shall be entitled to demand and receive from the said Company the sum of Two Shillings and Six Pence, and no more.

V. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of Five Hundred Thousand Pounds, to be divided into one hundred thousand Shares of Five Pounds each, which amount shall be raised by the persons above named, or some of them, together with such other persons and Corporations as may become shareholders in such Stock, and the said money so raised shall be applied in the



first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatever ; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for any Municipality interested in the said Railway to pay out of the general funds of such Municipality its fair proportion of such preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

VI. And be it enacted, That George Crawford, William Matthie, David B. Ogden Ford, George Sherwood, James Shaw, Robert Bell, Robert M. Watson, Andrew Dickson, James L. Schofield, Charles E. Jones, Reuben P. Colton and Albert N. Richards, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books and make a call on the Shares subscribed in such Books, and call a meeting of Shareholders for the election of Directors in the manner hereinafter provided.

VII. And be it enacted, That when and so soon as one-fifth of the said capital stock shall have been subscribed as aforesaid, it shall be lawful for the said Directors or a majority of them, to call a meeting of the holders of such Shares at such place and time as they shall think proper, giving at least fifteen days public notice of the same in one or more Newspapers published in Brockville and in the United Counties of Lanark and Renfrew, at which said General Meeting and at the Annual General Meeting in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect twelve Directors in the manner and qualified as hereinafter provided, which said twelve Directors shall, with the *ex officio* Directors under the Railway Clauses Consolidation Act, constitute a Board of Directors, and the Directors so elected shall hold office until the first Monday in February, in the year following their appointment.

VIII. And be it enacted, That on the said first Monday in February, and on the first Monday in February in each year thereafter, at the office of the said Company, at Brockville, there shall be holden an Annual General Meeting of the Shareholders of the said Company, at which and by whom there shall be chosen and elected by the private Shareholders in the respective proportions hereinafter provided, twelve Directors for the ensuing year in the manner and qualified as hereinafter provided ; and public notice of such Annual General Meeting and Election shall be published one month before the day of Election in the *Canada Gazette*, and

also once fifteen days before the Election in one Newspaper in each Town or Village upon the line of the said Road in which a Newspaper shall be published ; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors, and if it shall happen that two or more shall have an equal number of votes, the said private Shareholders shall determine the election by another or other votes until a choice is made ; and that the said twelve Directors shall, together with the *ex officio* Directors, under the Railway Clauses Consolidation Act, form the Board of Directors.

IX. And be it enacted, That seven Directors shall form a *Quorum* for the transaction of business : Provided always, that the Directors may employ one of their number as a paid Director.

X. And be it enacted, That the persons qualified to be elected Directors of the said Company under this Act, shall be any Shareholder holding Stock to the amount of One Hundred and Twenty-five Pounds, and who shall have paid up all calls on such Stock.

XI. And be it enacted, That each Shareholder shall be entitled to one vote for every share he, she or they, may hold in the said Company ; And provided further, that no party or parties shall be entitled to vote at the meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock, or the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such meeting.

XII. And be it enacted, That no instalment or call on shares of the Capital Stock of the said Company shall exceed ten per cent on the amount of such Shares, and at least thirty days notice of each call shall be given in such manner as the Directors shall appoint.

XIII. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five Pounds, and any such Promissory Note made or indorsed, or any such Bill of Exchange drawn, accepted or indorsed by the President of the Company, or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *Quorum* of the Directors, shall be binding upon the said Company : And every such Promissory Note or Bill of Exchange so made, drawn, accepted or indorsed by the President or Vice President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted or indorsed, as the case may be, for the Company, until the contrary be shewn ; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice President or the Secretary and Treasurer of the said Company so making, drawing, accepting or indorsing any such Bill of Exchange or Promissory Note be thereby subjected individually to any liability whatever ; Provided always, that nothing in this Clause shall be construed to authorize the said Company to

issue any Note or Bill payable to bearer, or any Promissory Note or Bill of Exchange intended to be circulated as money or as the Notes or Bills of a Bank.

XIV. And be it enacted, That it shall and may be lawful for the said Company with the permission of the Governor in Council, to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild land of the Crown not heretofore granted or sold, lying on the route of the said Railway, as may be necessary for the said Railway ; as also so much of the land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary, for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, ridges, cranes and other works as to the Company shall seem meet ; Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Railway shall be carried ; and if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge, if any such bridge be necessary, over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, if any such be constructed, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time ; and by any such regulation the Governor in Council may impose penalties not exceeding Ten Pounds for any contravention thereof, nor shall it be lawful for the said Company to construct any wharf, bridge, pier or any other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

XV. And be it enacted, That by and with the leave of the Town Council of Brockville for that purpose first had and obtained, it shall and may be lawful for the said Company to take and appropriate for the use of the said Railway as part of or in connection with its water depot on the St. Lawrence, so much of the market square in the centre of the said town of Brockville as lies between Water Street and the St. Lawrence.

XVI. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold Stock in the said Company, to vote on the same and to be eligible to office in the said Company.

XVII. And be it enacted, That the simple execution of any conveyance under this act by any married woman, with her husband, shall operate as a Bar of Dower in the lands thereby conveyed, and a conveyance of her title therein if the same be owned by her, without any other ceremony or formality whatever.



XVIII. And it be enacted, That it shall be lawful for the said Company to enter into any agreement with any other Railway Company either in this Province or in any foreign State, for leasing the said Railroad or any part thereof, or the use thereof, at any time or times to such other Company, or for leasing or hiring out to such other Company any Locomotives, Cars, Carriages, Tenders, or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company any Railway or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any Locomotives, Cars, Carriages, Tenders, or other moveable property, or for using either the whole or any part of the said Railway, or of the moveable property of the said Company, or of the Railway, any moveable property of such other Company in common by the two Companies, or generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies, of the Railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof; and any Locomotive, Car, Carriage or Tender of any foreign Railway Company brought into this Province in pursuance of any such agreement, but remaining the property of such Foreign Company, and intended to pass regularly along the said Railway between this Province and a foreign State, shall for all purposes of the Laws relative to Customs, be considered as carriages of travellers coming into this Province, with the intent of immediately leaving it again.

XIX. And be it enacted, That all provisions of law inconsistent with his Act are and shall be repealed from the passing thereof.

XX. And be it enacted, That the Interpretation Act shall apply to this Act, and that this Act shall be a Public Act.

## SCHEDULE A.

### FORM OF CONVEYANCE.

Know all men by these presents that I, A.B., *(and here name the wife, if any)* in consideration of *(name the sum)* paid to me by the Brockville and Ottawa Railway Company, the receipt whereof is hereby acknowledged, do hereby grant unto the Brockville and Ottawa Railway Company and their Assigns for ever, all that certain piece of land situate *(describe the land)* the same having been selected and laid out by the said Company for the purposes of their Railway.

Witness                      Hand and Seal                      , this           day of           A. D.,  
one thousand eight hundred and

Signed, sealed and delivered in presence of





## CAP. CLXXXI.

**An Act to amend the Act incorporating the Brockville and Ottawa Railway Company.**

*Assented to 19th May, 1855.*

**W**HEREAS since the passing of the Act of the sixteenth year of Her Majesty's Reign, intituled, *An Act to Incorporate the Brockville and Ottawa Railway Company*, the said Company have in pursuance of the provisions of the Railway Clauses Consolidation Act, increased the Capital of the said Company to Twelve Hundred Thousand Pounds currency, and it is desirable to have such increase sanctioned by express Legislative Enactment: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled' by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows :

I. The Capital Stock of the said Brockville and Ottawa Railway Company shall be, and is hereby declared to be the sum of Twelve Hundred Thousand Pounds currency, divided into Shares of Five Pounds each, and shall be taken and considered to have been so increased from the time it was so increased by the said Company as aforesaid, and the said Capital Stock may if necessary, from time to time, be increased in the manner provided for by the Railway Clauses Consolidation Act.

II. And be it enacted and declared that the said Brockville and Ottawa Railway Company shall have full power and authority to construct a Branch of their said Railway from some point on their Main Line, south of the Rideau, to Newborough and Westport on the Rideau Canal or some point at or near those places ; also, to construct a Branch of their said Railway, from the same or some other point on their Main Line south of the Rideau to the Rideau River or Canal at or near Merrickville in the Township of Woford, also to construct a branch of their said Railway from some point north of the Rideau to some point in the Township of Goulbourn, at or near Richmond ; And that for the construction, maintenance and use of the said Branches aforesaid, and each and every of them, and every matter and thing connected therewith, the said Company shall have same rights, powers and privileges as are already vested in them by the Special Act, and the clauses of the Railway Clauses Consolidation Act incorporated therewith, in like manner as if the power to construct such Branches had been embodied in the said Act hereby amended, in

incorporating the said Company; and that the said Company shall have the right to construct the said branches by sections or in such other manner as they may deem most advisable, so that the construction of any one or more sections or parts of the same shall not make it compulsory on the said Company to construct the remainder, until in their discretion it shall seem expedient to do so; And that the said Company shall have power to build or purchase, own, hold, use or otherwise dispose of, as to them shall seem best for the interests of the said Company, one or more Steamboats or other vessels to ferry on the waters of the Ottawa or Saint Lawrence, in connection with or for the use of the said Company and their Railway.

III. And whereas the said Company have executed under their corporate seal sundry Bonds, bearing date the second day of January, one thousand eight hundred and fifty-four, for the sum of one hundred pounds sterling, each, payable twenty years after date; And whereas the said Bonds on their face purport to be Debentures of a certain class, namely, Second Class Debentures, limited in issue to Three Hundred and Fifty Thousand Pounds sterling, and to be a second charge upon the road, tolls, revenue and other property of the said Company, subject to the first charge in favor of certain Municipalities: And whereas it is the intention of the said Company to issue Bonds as aforesaid forming such second charge as aforesaid, to the extent of not exceeding Three Hundred and Fifty Thousand Pounds, sterling, and it is expedient to affirm the validity, negotiability and security of the said Bonds of the said Company, executed or to be hereinafter executed, with such second charge as aforesaid, and also, to affirm the validity, negotiability and security of any further Bonds which may be executed by the said Company, not exceeding in the aggregate the amount of their Capital, for the time being: Be it therefore enacted, That the said second class Bonds now or hereafter to be executed and issued by the said Company, shall and are hereby declared to be valid and binding upon the said Company, according to the tenor and purport thereof respectively, and that all Bonds and Debentures of the said Company may be made payable to bearer, and that the said Bonds which have been so executed as aforesaid, and all future Bonds, Debentures and other securities of the said Company, and all dividend or interest warrants or coupons thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof, for the time being, in their own names; Provided that no such Bond or Debenture be for a less sum than Twenty-five Pounds currency.

IV. The respective *bona fide* holders of the said second class Bonds so executed, or to be hereafter executed, and issued by the said Company as aforesaid, shall be entitled, one with another, to their respective proportions of the tolls, revenues and other property of the said Company, according to the respective sums in such second class Bonds named, (subject to any prior charge in favor of any Municipality or Municipalities) and to be

repaid the principal and interest monies thereby secured, without any preference one above another, by reason of the priority of the date of any such second class Bond, and such second class Bonds shall be and are hereby declared to be the second charge upon the said roads, tolls, revenues and other property of the said Company, subject to the said prior charge, according to the tenor and terms of the second class Bonds respectively : Provided that this enactment shall not operate either to accelerate or delay the right of the holder of any such Bond, to demand and enforce payment of the principal monies thereby secured; on the day or respective days therein mentioned for the payment thereof, and that the registry laws shall not be held to apply to any bonds or debentures made or given or hereafter to be made or given by the said Company.

V.. The respective *bona fide* Bondholders and Mortgagees of the said Company, under any bonds, debentures, mortgages, or other special securities to be hereafter lawfully executed by the said Company, within the limits of their Capital subscribed, shall be entitled one with another to their respective proportions of the tolls and other property of the said Company, according to the respective sums in such securities mentioned, and to be repaid the principal and interest monies thereby secured, without any preference one above another by reason of the priority of the date of any such security, or of the resolution by which the same was authorized or otherwise howsoever, subject however to such first and second charges as aforesaid, and subject also to any class charges previously created as hereinafter provided ; Provided that this enactment shall not operate either to accelerate or to delay the right of the holder of any such security to demand and enforce payment of the principal monies thereby secured, on the day or respective days therein mentioned for payment thereof ; Provided always, that it shall be lawful for the said Company to create class charges or securities, not exceeding in amount the sum of three hundred and fifty thousand pounds currency, similar to such second class Bonds herein before named, which, subject to any previous charges created, shall take priority according to the order of their creation, but the holders of which, as among themselves, shall have no priority as aforesaid, except that which their class confers.

VI. It shall and may be lawful for the Directors of the said Company, for the time being, to issue shares for stock to be subscribed in England or elsewhere, in such amounts respectively of sterling money of Great Britain, as to such Directors shall from time to time seem fit, and to make the Dividends thereon payable in like sterling money in England or elsewhere, at such place or places as to such Directors shall from time to time seem fit, and from time to time to appoint agents of the said Company in England or elsewhere, and to delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and to make such rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the



issuing of such shares in England or elsewhere, [and as to the mode, time and place or places of transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise, as shall be deemed requisite or beneficial, for giving full effect to the power hereby vested in the Directors of the said Company, in respect of issuing such shares in England or elsewhere: And the holders of such shares shall be entitled to vote thereon, according to the number of shares, in currency, as near as may be, to which such shares would be equivalent, omitting all fractions: And it shall also be lawful for the said Directors under a By-law so to be enacted by them, to fix the amount of the shares in the capital stock of the Company at the sum of twenty-five pounds sterling, and they shall have power to consolidate and convert the present shares into shares of twenty-five pounds sterling, by uniting together such number of shares of five pounds currency, each, as may be requisite to make a share of twenty-five pounds sterling in any case.

VII. The said Company are hereby authorized and empowered to construct a line or lines of Telegraph, electric or otherwise, along their said intended railway and its continuations and branches, or any of them, or any part or section thereof, from and to any point or points thereon, as to the said Company shall seem advisable for the more convenient and effectual working of the said Railway and carrying on the operations and business thereof, and the said Company shall have power to purchase, receive and hold and convey such real estate as may be necessary for the convenient transaction of the business and for the effectually carrying on the operations of the said Telegraph line or lines, and may appoint such Officers and agents and make such prudential rules and regulations and By-laws as may be necessary, or by them deemed advisable in the transaction of the business thereof, not inconsistent with the laws of this Province; And the said Company shall generally have and are hereby invested with all the powers, rights and privileges respecting such Telegraph line or lines and the management thereof, as are now vested in Electric Telegraph Companies under and by virtue of the fifth, sixth and eleventh Sections of a certain Act of this Province, passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to provide by one general law for the incorporation of Electric Telegraph Companies*, in like manner as if the said Company had been an association incorporated under the said last mentioned Act.

VIII. Deviations of not more than two miles from the line of the Railway or any of its branches, or from the places assigned thereto in the maps or plans and books of reference or any of them, required by and filed according to the provisions of the Railway Clauses Consolidation Act, shall be allowable and permissible to and by the said Company in such special cases as to them shall seem expedient.

IX. This Act shall be a Public Act.



## CAP. CXLIV.

## An Act to amend and extend the Charter of the Brockville and Ottawa Railway Company.

[Assented to June 10th, 1857.]

WHEREAS the Brockville and Ottawa Railway Company have by their Petition prayed for further amendments to their Act of Incorporation, and that the time for the construction of their Railway may be extended, and for other purposes, and it is expedient to grant the same : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The Brockville and Ottawa Railway Company shall have full power, and they are hereby authorized, to make and construct and to work and use a Branch Railway from such point on the main line of the Brockville and Ottawa Railway to a point near the station grounds and house of the Grand Trunk Railway Company of Canada in Brockville as they shall find most suitable ; and all the privileges, powers, rights and incidents vested in or appertaining to the Company with regard to their said Railway, and all the duties and obligations imposed upon them with regard to the same, by the Act incorporating the Company and the Acts amending the same, and all the provisions of the said Acts and of this Act, which are susceptible of such extension, shall extend and apply to and be in force with regard to such Branch Railway as fully and effectually as to the said Brockville and Ottawa Railway, to all intents and purposes, and the said Acts shall be construed, extend and have effect, as if the said Branch Railway had been mentioned and described in the said Act of Incorporation as part of the Railway and works which the Company were thereby empowered to construct ; Provided that such Branch shall not cross or connect with the Grand Trunk Railway without the consent of the said Grand Trunk Railway Company of Canada.

II. And whereas it is necessary for the Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes, at convenient places along their line of Railway and Branches thereto, for supplying ballast, constructing and keeping in repair and for carrying on the business of the said Railway ; And whereas such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found ; And whereas the Company have been obliged to purchase certain pieces or lots of land on account of the deposits of gravel thereon, which the Company require for the construction of, the said Railway ; And whereas doubts may be entertained to what extent the Company may lawfully acquire and hold lands for such purposes as aforesaid ; It is therefore

enacted, that it has been and shall be lawful for the Company, and they are hereby authorized to purchase, have, hold, take, receive, use and enjoy, along the line and branches of the said Railway, or separated therefrom, or if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it hath pleased or shall please Her Majesty or any person or persons or bodies politic to give, grant, sell or convey unto and to the use of or in trust for the Company, their successors and assigns; and it shall and may be lawful for the Company to establish stations or workshops on any of such lots or blocks of land, and from time to time by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood yards, station grounds, or work shops, or for effectually repairing, maintaining or using to the greatest advantage, the said Railway and other works connected therewith.

III. The time limited to the Company for the completion of the said Railway from Brockville to Arnprior at or near the mouth of the Madawaska River, and also a branch thereof from the Rideau at or near Smith's Falls, to the Town of Perth, and all other branches thereof, is hereby extended to three years from the time of the passing of this Act; Provided always, that if the said Brockville and Ottawa Railway Company form part of the Lake Huron, Ottawa and Quebec Junction Railway Company for that part of their road extending from Arnprior to Pembroke, then the said Brockville and Ottawa Railway Company shall build fifty miles or any portion thereof of their road from Arnprior upwards, on the same conditions as the other four Companies mentioned in the Act nineteenth and twentieth Victoria, Chapter one hundred and twelve, and shall have a share of the four millions of acres of land in the proportion which those fifty miles, or the proportion thereof above mentioned, bear to the three hundred and fifty-four miles, by making in the forest, in the same proportion as the other said four Companies, the remainder of the road extending to the Georgian Bay.

IV. And whereas the Company have by their By-law authorized the issue of bonds or debentures of the Company limited to three hundred and fifty thousand pounds sterling, in the form given in the Schedule to this Act, marked A, (in the place and stead of bonds in the form heretofore used,) and which on their face purport to be debentures of a certain class, namely, second class debentures, limited in issue to three hundred and fifty thousand pounds sterling, and to be a second charge upon the road tolls, revenue, and other property of the Company, subject to the first charge in favor of certain Municipalities, and it is expedient to affirm the validity, negotiability and security of the said bonds or debentures of the Company, executed or to be hereafter executed in the form given in the said Schedule to this Act, to the extent of not exceeding three hundred and fifty thousand pounds sterling: It is therefore enacted, that the said

Bonds or debentures of the Company now or hereafter to be executed and issued by the Company in the form given in the said Schedule to this Act, marked A, to the extent of not exceeding three hundred and fifty thousand pounds sterling, shall be and are hereby declared to be valid and binding upon the Company according to the tenor and purport thereof respectively and are and shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

V. And whereas under the provisions of the Act of this Province, passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, the several Municipalities hereinafter named have passed By-laws respectively authorizing the loan to the Company towards the construction of the said Railway, of the following amounts, that is to say: The Town Council of Brockville, one hundred thousand pounds currency; the Municipality of the Township of Elizabethtown, fifty thousand pounds currency; and the Municipal Council of the United Counties of Lanark and Renfrew, two hundred thousand pounds currency; And whereas such loans were respectively authorized to be made upon condition that the Company should assume all the liabilities of the said Municipalities in respect thereof under the said Loan Fund Act, and should indemnify and save harmless the said Municipalities respectively in the premises, and that the railway, tolls, revenues and other property of the Company should stand mortgaged and pledged to the said Municipalities respectively, in preference to all other creditors; And whereas a mortgage bearing date the seventh day of March, one thousand eight hundred and fifty-four, has been executed by the Company to the said several Municipalities, in common, purporting to give them the security hereinbefore named; And whereas the right of way not having been acquired at the time of the execution of the said mortgage, doubts have arisen as to the sufficiency of the said security at law, and it is desirable and the wish of the Company to have affirmed the validity of said mortgage, as well as all subsequent mortgages given, and which may be given by the Company to the said Municipalities in common for the like purpose, and to have such security defined by Legislative enactment with a view of securing the said Municipalities respectively as fully as possible: It is therefore enacted, that the said intended Railway from Brockville to Pembroke, including the Perth branch and all the other branches thereof, and all the works of the said Company thereon, now or hereafter to be made, together with all lands acquired for ballast ground or on account of deposits of gravel thereon, and all stations, buildings, carriages, engines and other property attached to or to be attached to or belonging to the said intended Railway and branches, and all the revenues and tolls of the said intended Railway and branches, are hereby declared to be mortgaged and pledged to the said Municipalities respectively in preference to all other creditors (in such manner as that no one Munici-



pality shall have preference or priority over another, but shall all share alike and in proportion to the amounts of their said loans respectively so authorized to be made as aforesaid, and in manner as provided by the said mortgages) for the redemption and repayment of the said loans respectively, according to the terms of the said By-laws and the provisions of the said Consolidated Municipal Loan Fund Act, and in accordance with the terms of the said mortgages; and the said mortgages so made or to be made as aforesaid for securing the said loans, are hereby declared to be and shall be good, valid and obligatory upon the parties thereto executing the same, according to the tenor and purport thereof; Provided that nothing in this section or in this Act contained shall be interpreted as affecting in any manner the rights and security of the Province, with respect to the loans made by the above named Municipalities to the Company under the Act firstly above recited in this section; Provided also, that the Act of this Province passed during the present Session relating to mortgages of personal property in Upper Canada, shall not apply to the said mortgages of the Company or to the property covered or to be covered by them.

VI. Scrip for paid up shares of stock of the Company may be issued to bearer and may be transferred by delivery thereof; and all *bona fide* holders of scrip for paid up shares of stock of the Company shall be entitled to receive their share of the profits of the Company, and shall be entitled to vote in respect of the shares held by them, upon the scrip being produced, which shall then be registered in the name of such holders respectively in the books of the Company.

VII. The expression of "the Company" in this Act, shall always mean the Brockville and Ottawa Railway Company.

VIII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

#### SCHEDULE A.

Capital, £1,000,000 stg. *Province of Canada.* Capital, £1,000,000 stg.

£100 stg. Brockville and Ottawa Railway Debenture. £100 stg.

No.

TRANSFERABLE.

No.

*Issue limited to £350,000 Cy.*

The Municipalities through which the road passes have loaned the Company certain monies which are repayable under the provisions of the "The Consolidated Municipal Loan Fund Act for Upper Canada." Subject to this claim, the lands, tolls, revenues and other property of the Company are, under the provisions of "the Railway Clauses Consolidation Act," pledged and mortgaged for the due payment of these debentures limited in issue as above.

*The Brockville and Ottawa Railway Company* hereby promise to pay to or bearer, the sum of one hundred pounds sterling, twenty years from and after the first day of January, one thousand eight hundred and fifty-seven, likewise interest at the rate of six per cent. per annum, to be paid on the first days of January and July in each year, upon presentation of the proper coupons hereunto attached, at the office of in London.

Signed and dated at Brockville, the and thousand eight hundred and

day of ,

*Treasurer.*

(L. S.)

*President.*

## CAP. LV.

An Act to extend the Charter of the  
Brockville and Ottawa Railway Com-  
pany, and for other purposes.*Assented to 24th July, 1858.*

**W**HEREAS the Brockville and Ottawa Railway Company have, by their Petition, prayed for an extension of time for the exclusive construction of a portion of their Railway, and for other purposes, and it is expedient to grant the same : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The time limited to the Brockville and Ottawa Railway Company for the exclusive construction and completion of that part of their Railway extending from Arnprior, at or near the mouth of the Madawaska River, to the Ottawa river at or near the Village of Pembroke, in the Township of Pembroke, is hereby extended to five years from the twenty-third day of May, in the year of our Lord one thousand eight hundred and fifty-eight, any law of this Province to the contrary notwithstanding : And for and notwithstanding any thing to the contrary in any law of this Province contained, the said Brockville and Ottawa Railway Company shall have the exclusive privilege of constructing the said Railway from Arnprior aforesaid to the Ottawa River at or near the Village of Pembroke aforesaid, provided the same shall be constructed and in operation within the said term of five years ; Provided always, that on completion of the Railway from the City of Ottawa to the Village of Arnprior, the said Brockville and Ottawa Railway Company, shall, upon reasonable request, and at all reasonable times, and with proper despatch, take and conduct the Cars of the Company so completing the said Railway, on and over their said Railway between Arnprior and Pembroke, at and for a price or compensation to be agreed between the said Companies ; and in case no agreement for compensation shall be made, then at and for a price or compensation to be determined by three Arbitrators to be chosen as follows, one by each Company, and the third by the Arbitrators so chosen.

II. The Brockville and Ottawa Railway Company shall have full power to extend their Railway into the Ottawa River at Pembroke, and into the St. Lawrence at Brockville ; and by and with the consent of the Governor in Council to connect their said Railway with and include the Block House Island, in front of the Town of Brockville, and to make, erect, keep and sustain such wharves, buildings, fixtures, cranes, quays, and other works for the purposes of their Railway in the said Ottawa River at Pembroke, and in the said River St. Lawrence at Brockville, as to the Brockville and Ottawa Railway Company shall seem meet.



III. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

IV. And so much of the third section of a certain Act of Parliament of this Province passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to incorporate the Bytown and Pembroke Railway Company*, as is inconsistent with the provisions of this Act, is hereby repealed.

## CAP. CIX.

# An Act further to amend the Act incorporating the Brockville and Ottawa Railway Company.

Assented to 19th May, 1860.

**W**HEREAS the Municipalities of Brockville, Elizabethtown and Lanark and Renfrew, have loaned to the Brockville and Ottawa Railway Company, in aid of the construction of their Railway, certain moneys amounting in the whole to three hundred and thirty-eight thousand five hundred pounds currency, raised by the said Municipalities upon the credit of the Consolidated Municipal Loan Fund of Upper Canada :

And whereas, by the provisions of the the eighty-eighth and succeeding sections of the eighty-third chapter of the Consolidated Statutes of Canada, intituled, *An Act respecting the Consolidated Municipal Loan Fund*, the liability of the said Municipalities in respect of the said moneys has been reduced to an annual payment of five cents in the dollar, on the assessed yearly value, or on the interest of the assessed value as the case might be, of the assessable property of the said Municipalities respectively, in manner as thereby provided ;

And whereas the road and revenues of the said Company were pledged to the Municipalities to indemnify them against their liabilities in respect of the said loans ; And whereas, although between sixty and seventy miles of the Railway of the said Company are now in operation, and although the whole of the remainder has been surveyed for location, and great expense incurred thereon, and considerable progress made towards completion thereof, yet the means at the present disposal of the Company are quite inadequate to complete the same, and it is desirable for the interest of all concerned, that the said Railway should be completed as soon as possible : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. No greater or earlier liability in respect of the said Municipality Loans shall hereafter exist on the part of the said Company to the said Municipalities respectively, than now exists on the part of the said Municipalities respectively, to the Government of this Province in respect of the said loans, and the mortgages and securities given by the said Company to the said Municipalities, and recognized and sanctioned by the amended Act of Incorporation of the said Company in respect of the said loans, shall not be available or enforced against the Company, on the part or behalf of the said Municipalities, to any greater extent than the aforesaid reduced liability of the said Municipalities respectively, to the Gov-

ernment of this Province ;—and so long as the said Company shall pay to the Government of this Province the annual liability of the said Municipalities respectively, in respect of the said loans in conformity with the provisions of the eighty-eighth and ninety-first sections of the eighty-third chapter of the Consolidated Statutes of Canada, the said Company shall be taken and considered to have complied with all its liabilities to the said Municipalities in respect of the said loans, and the conditions of the mortgages and securities aforesaid shall be deemed and taken to be fully performed, and the said mortgages and securities shall in no case be enforced against the said Company to any greater extent than to compel the making of such annual payments as aforesaid ; Provided always, that nothing contained in this Act shall in any respect alter or diminish the liabilities of the said Municipalities, in respect of the loans obtained by them under the Consolidated Municipal Loan Fund Acts.

II. Nothing in this Act contained shall be held or construed to extinguish the lien of the said Municipalities respectively, or the liability of the said Company in respect of the loans aforesaid to the extent of the said annual payment or liability of the said Municipalities respectively aforesaid, under the said eighty-eighth and ninety-first sections of the said Act limiting their liability as aforesaid, or any future Act of Parliament to be passed in that behalf ; and to the extent of such annual payment or liability, or any further liability to be enforced by law as aforesaid in the event of any default made in payment thereof, or of any portion thereof, the said Municipalities shall have the same benefit and advantage of their present lien and security in the property and revenues of the said Company, as if this Act had never been passed.

III. And whereas the said Company, before the passing of the said Act, limiting the liability of the Municipalities, had authorized the issue of Debentures, in certain form, limited to three hundred and fifty thousand pounds sterling ; And whereas only a small portion of the said Debentures, that is to say, about one hundred and thirty thousand pounds sterling, has been issued ; And whereas, it would greatly assist the negotiability of the remainder of the said issue, if the form of the said Debentures were altered so as to shew upon the face of them the reduced Municipality charge herein aforesaid ; Therefore, the said Company may and they are hereby authorized to alter the form of the said Debentures so authorized to be issued as aforesaid, and to use, instead of the form heretofore used, the form given in Schedule A to this Act appended ; And no more Debentures shall be issued in the form heretofore used, and all Debentures hereafter to be issued shall be in the form authorized by this Act, and shall be deemed and held to be a portion of the issue of Debentures heretofore authorized and limited in issue to three hundred and fifty thousand pounds, as herein aforesaid, and those Debentures already issued in the old form, may, on being surrendered by the holders thereof to the Company, be, from time to time, replaced by Debentures in the new form authorized by this Act.

IV. The said Company shall expend, in completion of the said Railway, not less than two-thirds of the amount that they may realize from the sale of the bonds that may hereafter be issued by the said Company, on that part of the line of the said Railway, which lies to the west of the River Madawaska.

V. This Act shall be deemed a Public Act.



SCHEDULE A.  
CANADA.

Capital  
£1,000,000, Stg.

Capital  
£1,000,000 Stg.

The Brockville and Ottawa Railway Company.

DEBENTURE—TRANSFERABLE.

Issue authorized by Statute of Canada, 23 Vic. cap. limited to £350,000, Sterling.

Whereas the Municipalities through which the said Railway will pass have loaned to the said Company certain moneys borrowed upon the credit of the Consolidated Municipal Loan Fund of Canada, which said moneys were directed to be the first charge and lien upon the said Railway; And whereas by the eighty-eighth and ninety-first sections of the eighty-third chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the Consolidated Municipal Loan Fund*, the liability of the said Municipalities in respect of the said loans has been reduced to an annual payment of five cents in the dollar of the assessed yearly value of the assessable property of the said Municipalities.

And whereas the road, tolls and revenues of the Company stand pledged to the said Municipalities for the payment of the said reduced annual charge, in preference to all other claims.

Subject, therefore, to the said annual charge or payment of five cents in the dollar, as aforesaid, to the Government of Canada on behalf of and towards payment of the said Municipality loans, and next thereafter, the lands, tolls, revenues and other property of the Company are, under the provisions of *The Railway Act*, and the Act of incorporation of the said Company, and the several Acts in amendment thereof, pledged and mortgaged for the due payment of these debentures, limited in issue as above.

The Brockville and Ottawa Railway Company hereby promise to pay to \_\_\_\_\_, or bearer, the sum of one hundred pounds sterling, twenty years from and after the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, and also interest thereon at the rate of six per centum per annum, to be paid on the first days of January and July in each year, upon presentation and surrender of the proper coupons, hereto attached, at the office of \_\_\_\_\_, in the City of London, England.

Signed and \_\_\_\_\_, at Brockville, the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_



# APPENDIX,

—: SHEWING THE:—

NATURE AND EXTENT OF THE MUNICIPALITIES FIRST  
CHARGE.

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## THE CANADA CENTRAL RAILWAY ACT,

CONFERRING IMPORTANT PRIVILEGES ON, AND GRANT-  
ING LAND TO THE BROCKVILLE AND OTTAWA  
RAILWAY COMPANY,

WITH EXTRACTS FROM THE

Quebec and Lake Huron Railway Act,

REFERRED TO IN THE SAID

CANADA CENTRAL ACT.

## APPENDIX.

### Nature and extent of the Municipalities' lien or first charge.

The following extracts will shew the nature and amount of the first charge upon the Brockville and Ottawa Railway Company as referred to in the Bonds of said Company issued under 23rd Vic., Chap. 109. The sections of the Act respecting the Consolidated Municipal Loan Fund referred to in said Bonds, read as follows, viz : 83rd Chapter Consolidated Statute of Canada, 88th S. S. "A sum equal to the amount of five cents in the dollar on the assessed yearly value, or alike per centage on the interest at six per cent per annum on the assessed value of all the assessable property in every Municipality which has raised money by Debentures issued under the Acts mentioned in the preamble to the last preceeding section, shall be paid by such Municipality to the Receiver General on or before the first day of December, in the year one thousand eight hundred and fifty nine, and every year thereafter, unless and until the total amount in principal and interest payable by such Municipality to the Receiver General under the said Acts by reason of such loan have been paid and satisfied, or a smaller sum shall be sufficient to satisfy the same in any year, in which case such smaller sums shall be so paid."

The 89th S. S. of same Statute, proceeds as follows: "The sum to be raised under the last preceeding section in any Municipality, shall never be less than the sum which the said per centage on the assessed value of the assessable property in such Municipality, according to the assessment rolls for the year 1858 in the same Municipality would have produced, 91st S. S. "The sum aforesaid shall be, instead of the payments which the Municipality would otherwise be bound to make to the Receiver General under the Acts hereinbefore mentioned. But if it be not paid as hereinbefore required, the Municipality shall be held to be in default, and shall be liable to be dealt with in the manner provided by this Act with regard to Municipalities in default."

The Municipalities which advanced monies to the said Company are as below—

The Town of Brockville.....	£100,000 Cy.
The Township of Elizabethtown.....	38,500 Cy.
The Counties of Lanark and Renfrew..	200,000 Cy.

The following certificates from the Clerks of those Municipalities shew their respective total assessments for the years 1858 and 1859.

"The amount of assessable property within the Municipality of the Town of Brockville as assessed for the year 1858, is (yearly value) \$103,190.57—One hundred and three thousand, one hundred and ninety-dollars and fifty-seven cents.—The amount of assessable property with-

“ in the Municipality of the Town of Brockville as assessed for the year 1859 (yearly value) is \$105,674.73.—One hundred and five thousand six hundred and seventy four dollars and seventy-three cents.

“ I certify the above to be correct.

“ (Signed)

GEO. S. McLEAN,

“ Town Clerk.

“ Brockville, 5th April, 1860.”

Assessed value of real and personal property of the Township of Elizabethtown, for the years 1858 and '59.

1858.—Assessed value of Real Property.....£218,487.

.. Do. do. of Personal Property..... 22,245.

.. Do. do. of Non-Residents..... 13,500.

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£254,232.

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I certify the above to be correct.

(Signed)

JACOB A. BROWN,

Town Clerk.

Elizabethtown, April 4th, 1860.

LANARK AND RENFREW,

County Clerk's Office, Perth, April 4, '60.

DEAR SIR,—Yours of the 3rd inst., has just been received, and, in reply, I have to inform you that the amount of assessable property of the United Counties of Lanark and Renfrew for the year 1858, was four millions two hundred and thirty-eight thousand, nine hundred and fifty-six dollars, (\$4,238,956,) and the amount of assessable property in said Counties for the year 1859, was four millions three hundred and fifty-five thousand, seven hundred and fifty-two dollars, (\$4,355,752). These are the same figures as returned to the Receiver General.

R. WATSON, ESQ.

Managing Director,

B. & O. Railway,

Brockville.

I am, Dear Sir,

Yours truly,

(Signed)

W. R. F. BERFORD,

County Clerk.

The loans aforesaid amounting in all to \$338,500 Cy., formerly were the first charge upon the Company, but by a recent Act of Canada, 22 Vic. chap. CIX. the said charge has been reduced to an annual payment equivalent to five cents in the dollar on the assessed yearly value of the Municipalities property never to be less than that of 1858. The Schedule below shews the amount thus payable on the assessment of 1858 and also of 1859.

As the Country increases in wealth and population, this charge will also increase; but as every increase of wealth and population must contribute a corresponding increase of business to the road, such increase is more to be desired than feared.

Schedule shewing the amount of first charge due the Municipalities at five cents on the dollar of the assessable value of property for the years 1858 and 1859.

NAMES OF MUNICIPALITIES.	1858.			1859.		
	Assessable Property 1858.	Value of do at 6 per cent.	Yrly amt to be paid at 5 cts in the \$	Assessable Property 1859	Value of do at 6 per ct.	Yrly amt to be paid at 5 cts in the \$
LANARK AND RENFREW,	\$4,238,956	\$234,338	\$12,117	\$4,355,752	\$261,345	\$130,67
BROCKVILLE, yearly value,	103 190	103 190	5 159	105 674	105 674	5 283
ELIZABETHTOWN.	1 016 923	61 015	3 050	953 148		2 859



**An Act to incorporate the Canada Central Railway Company, and to amend the Act, intituled: *An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec.***

*Assented to 18th May, 1861.*

**W**HEREAS it has been found that the construction of the Railway authorized by the Act passed in the nineteenth and twentieth years of Her Majesty's Reign, intituled: "*An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec,*" has been attended with difficulty in consequence of the want of a concentrated interest therein; And whereas it is expedient to extend and amend the said Act and to change the name of the Company; and whereas certain persons have, by their petition, represented that the vast country extending through the interior of this Province, is wholly without railway communication, and would be greatly benefitted if opened up thereby; and whereas the said persons have, in their said petition, prayed to be incorporated for the said purposes, and for the purposes of the said recited Act, under the name of the Canada Central Railway Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Nicholas Sparks, John Supple, Alexander McIntosh, Christopher Armstrong, William O'Meara, P. Pearson Harris, Thomas Langrell, Peter A. Eglison, William Jno. Wills, J. B. Mongenais, Joseph Hinton, Robert Craig, James Deyke, James Goodwin, Francis Clemow, James Leamy, John Forgie, James Skead, Alexander Scott, J. M. Currier, John W. Loux, Richard W. Scott, and William Frederick Powell, Esquires, with all such other persons, Corporations and Municipalities as shall become Shareholders in the Company hereby constituted shall be, and they are hereby ordained, constituted and declared a body Corporate and Politic, by the name of the "Canada Central Railway Company."

II. The first, second, third and eleventh sections of the said Act cited in the Preamble of this Act, in so far as they are inconsistent with the provisions of this Act, and so much of any other section thereof or of any other Act as is inconsistent with this Act, are hereby repealed, and the said Canada Central Railway Company is hereby declared to be in the place and stead of the Companies therein named; except as regards the Brockville and Ottawa Railway Company, the Carillon and Grenville Railway Company, and the North Shore Railway Company therein named,

which last mentioned Companies, together with the Canada Central Railway Company, shall hereafter be entitled to all the benefits, franchises and privileges granted by the above cited Act, except in so far as they are by this Act altered, and all the remaining clauses and provisions of the said recited Act not inconsistent with this Act shall be the same as if incorporated herewith; provided, always, that in conformity with the Act twenty-third Victoria, chapter one hundred and eight, whenever the Montreal and Bytown Railway Company is mentioned in the said Act, the provisions referring thereto shall be held to apply to the Carillon and Grenville Railway Company; provided, also, that the North Shore Railway Company, mentioned in this Act, means the North Shore Railway and St. Maurice Navigation and Land Company.

III. All the provisions of the Railway Act shall be incorporated with this Act, save in so far as they may be inconsistent with any express enactment herein contained.

IV. The Company may lay out, construct and finish a double or single track of Railway from such point on Lake Huron as may be found best adapted for the purpose to the City of Ottawa, by way of Pembroke and Arnprior, and from the City of Ottawa to the City of Montreal; Provided, always that without the consent of the Directors of the said Canada Central Railway Company, the Carillon and Grenville Railway Company shall not have power to construct the section of the said Railway between Hawkesbury and Ottawa until the expiration of three years from the passing of this Act, nor afterwards, if the Canada Central Railway Company shall have commenced, and shall proceed with the construction thereof.

V. The Company hereby incorporated, the said North Shore Railway Company, the Carillon and Grenville Railway Company, by that name or under the corporate name of the Ottawa Valley Railway Company, or any two of them, lying contiguous to each other, may, if they deem it advisable, unite together as one Company; and such union may be made by a deed of agreement between the Companies so amalgamating, first approved by resolutions passed respectively at meetings of the Stockholders of such Companies specially called for the purpose; And such deed shall specify the name to be used as the corporate name of such amalgamated Company, which shall be the name of one of the Companies so amalgamating, and shall be valid and binding upon all persons and parties concerned—and upon such amalgamation, the new Company thereby formed shall forthwith cause the fact of such amalgamation and the corporate name thereby assumed, to be advertised in *The Canada Gazette*; and thereupon the new Company shall have all the rights, powers, claims and privileges, and shall be subject to all the duties and obligations conferred upon or held by the Companies so amalgamating or to which such Companies were subjected by their Act of incorporation.

VI. And for the better adjustment of the proportions of the said several Companies in the lands appropriated and set apart in aid of the said line

of Railway by the Act cited in the preamble of this Act, it is hereby enacted that they shall be regulated as follows, to wit: setting apart in aid of the said North Shore Railway Company three tenths thereof, and dividing the remainder thereof into as many parts as there are miles in distance between Montreal and the extreme North Western terminus, which could be reached by the main line of any of the five Companies mentioned in the second subsection of the third section of the said Act under their respective Acts of incorporation, namely, the Village of Pembroke, and appropriating one such part thereof to each and every mile of such distance in aid of the construction thereof; Provided, always, that the powers of the said North Shore Railway Company, the Brockville and Ottawa Railway Company, and of the Carillon and Grenville Railway Company, in respect of the portions of said line of Railway which they are empowered to construct by their respective Acts of incorporation and by the Acts in amendment thereof, shall not be abridged by the provisions hereof, except in so far as they are abridged by the proviso in the fourth clause of this Act; and provided, also, that in the computation of the said distance the line of Railway contemplated by the Act, cited in the preamble to this Act, shall be followed as nearly as may be in conformity with the third clause thereof, but without reference to the parts therein established; except that the distance between Vaudreuil and Hawkesbury shall also be computed as part of the said distance, and that no portion of the Grand Trunk Railway, of which any of the said Companies shall avail themselves to reach Montreal, shall be held to form a portion of the distance for which said Company shall be entitled to aid under this Act; Provided, always, that if, within five years of the passing hereof, the Brockville and Ottawa Railway Company shall proceed with and complete the construction of the portion of the said Railway lying between Arnprior and Pembroke, they shall be entitled to all the privileges in respect of the said appropriation, to which the said Canada Central Railway Company would be entitled under the provisions of this Act on constructing the said portions of the said Railway; and provided, also, that in the event of the Canada Central Railway Company failing to construct the said portion of the said Railway, between the City of Ottawa and Vaudreuil or any part thereof, within five years from the passing hereof, the Vaudreuil Railway Company, under its Act of incorporation, which shall continue to be in force, shall have the right to construct the same, and thereupon shall have all the privileges hereby conferred upon the Canada Central Railway Company in respect of the said portion thereof.

VII. Deeds and Conveyances, under this Act, for the lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule annexed to this Act, marked A; and all registrars are hereby required to register such Deeds in their Registry Books on the production thereof and



proof of execution, without any memorial, and to minute every such entry on the Deed ; the said Company are to pay the registrar for so doing, the sum of two shillings and six pence, and no more.

VIII. John W. Lox, Robert Craig, James Skead, Richard W. Scott, Henry W. McCann, John McKay, John Supple, Joseph Hinton, William Frederick Powell, Coll McDonnell, John Forgie, Peter A. Eglison, Wm. F. Lewis, William Dean and J. B. Mongenais, are hereby constituted and appointed the first Directors of the Company, and, until others shall be named as hereinafter provided, shall constitute the Board of Directors of the Company, with power to fill vacancies occurring thereon, and to associate with themselves thereon not more than three other persons, who, on being so named, shall become and be Directors of the Company equally with themselves, to open Stock Books, to make a call upon the shares subscribed therein, to call a meeting of the Subscribers thereto, for the election of other Directors as hereinafter provided, and with all such other powers as under the Railway Act are vested in such Board.

IX. So soon as one-tenth of the capital stock shall have been subscribed and not less than five per cent of the amount subscribed shall have been paid in and deposited in some Chartered Bank to the credit of the Company, it shall be lawful for the said Directors, or a majority of them, by public notice, to be given at least thirty days previous in the *Canada Gazette*, and in one or more newspapers published in the Cities of Montreal and Ottawa, to call a first General Meeting of the Shareholders, at such time and place as they shall think proper ; and, at such Meeting, and at every Annual General Meeting of the Company thereafter, there shall be elected not less than seven nor more than ten Directors, to serve until the next Annual General Meeting, and until their successors are appointed ; and at every such Meeting, each Municipal or other Corporation, holding Stock to the amount of twenty thousand dollars or more, and not being in arrear for any call thereon, may either take part in such election as an ordinary Shareholder, or may abstain from so doing ; and each such Corporation, as shall so abstain, may, either then or at any time thereafter, by By-law in that behalf, name one other Director, who need not himself be a Shareholder, to serve for the like term—the thirty-fourth and seventy-eighth sections of the Railway Act being in this behalf hereby superseded.

X. The Directors may require, should they deem it desirable, all parties subscribing for stock in the said Company, to pay a deposit of not more than ten per cent thereon ; the amount of such deposit shall be decided by the Board of Directors, and future calls for instalments shall at no one time exceed five per cent, nor shall more than one call be made within thirty days.

XI. No person shall be qualified to be elected such Directors by the



Shareholders, unless he be a shareholder holding at least ten shares of stock in the Company, and has paid all calls thereon.

XII. The Annual General Meetings of the Company shall be held thereafter on the first Wednesday in the month of June yearly, or on such other day as shall be appointed by any By-law of the Company, and, at such place and hour as by such By-law shall be appointed ; and public notice thereof shall be given at least thirty days, previously, in the *Canada Gazette* and in one or more newspapers published in the Cities of Montreal and Ottawa.

XIII. Every proprietor of shares in the said Company shall be entitled on every occasion, when the votes of the members of the said Canada Central Railway Company are given, to one vote for every share held by him.

XIV. At all meetings of the Company, the Stock held by Municipal and other Corporations may be represented by such person as they shall have respectively appointed in that behalf by By-law, and such person shall, at such meeting, be entitled equally with other Shareholders, to vote by proxy ; and no Shareholders shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such Shareholder shall have been paid up at least one week before the day appointed for such meeting.

XV. From and after the first General Meeting of the Company, the Directors so chosen as aforesaid by the Shareholders as aforesaid, and the Directors representing Corporations as aforesaid, shall form the Board of Directors of the Company ; and if any vacancy shall occur by death, resignation or otherwise, among the Directors of the former class, a majority of the remaining members of the Board may elect any qualified Shareholder to fill the same ; and if any vacancy shall occur among the Directors of the latter class, the Corporation interested may, by By-law name another person to fill the same.

XVI. Five members of the Board of Directors of the Company shall be a *quorum* thereof for the transaction of business ; and the Board may employ one or more of their number as paid Director or Directors.

XVII. The Capital Stock of the Company shall be the sum of seven millions of dollars, to be divided into seventy thousand shares of one hundred dollars each, and shall be raised by the persons and Corporations who may become Shareholders in such Stock ; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the Surveys, Plans and Estimates connected with the works hereby authorized ; and all the remainder of such money shall be applied to the making, maintaining and working thereof, and the

other purposes of this Act, and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said Capital Stock, the Municipality of any County, Town, Township, Parish or Village, on the line of such works, may pay out of the general funds of such Municipality its fair proportion of such preliminary expenses, which shall thereafter be refunded to such Municipality from the Capital Stock of the Company, or be allowed to it in payment of Stock.

XVIII. It shall and may be lawful for the Directors of the said Company, for the time being, to make, execute and deliver all such scrip and share certificates, and all such Bonds, Debentures, Mortgages or other Securities, as to the said Directors for the time being shall, from time to time, seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof.

XIX. The Company may raise, by way of loan upon their Bonds or Debentures, in addition to their authorized Share Capital, any sum not exceeding one half of their capital and such Bonds or Debentures may be for such amount respectively as the said Company may deem expedient, and all Bonds and Debentures, to be executed by the said Company, may be payable to bearer; and all such Bonds, Debentures or other Securities of the said Company, and all dividends or interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof, for the time being, in their own names.

XX. It shall be lawful for the Board of Directors, out of the Capital of the Company, to provide and pay such sum as may, from time to time, with the earnings of the Company available for dividend, be sufficient to pay interest upon the Loan and Stock and Share Capital of the Company, until the completion of the authorized works of the undertaking of the Company; Provided, always, that such payments shall not continue to be made upon the Stock and Share Capital, except out of the earnings of the Company, after the first day of May, one thousand eight hundred and sixty-six.

XXI. The Company, for any of their Stations or Depots, at any place where such Station or Depot may be required for any of their works hereby authorized, may take land to the extent of twenty acres, without the consent of the proprietor thereof, but subject otherwise to the provisions of the Railway Act in that behalf.

XXII. The Company may enter into any agreement with the said North Shore Railway Company, the Grand Trunk Railway Company, or any other Railway Company, whose line of operations may, in any wise, connect with the line of route of the Company, for the leasing of their Railway or any part thereof, to such other Company, or for the leasing or hiring out to such other Company, of any Locomotives, Cars, Carriages, Tenders, or other moveable property of the Company, either altogether,

for any time or times, occasion or occasions, or for the leasing from such other Company, of any Railway or part thereof, or for the leasing or hiring from such other Company, of any Locomotives, Cars, Carriages, Tenders, or other moveable property, either altogether, or for any time or times, occasion or occasions, or for the using of the whole or any part of the Railway, or moveable property of the Company, or of the Railway or moveable property of such other Company, in common by the two Companies, or generally may make any agreement or agreements with such other Company touching the use by one or other, or both of such Companies, of the Railway or moveable property of either or both, or of any part thereof, or touching any service to be rendered by the one Company to other, and the compensation therefor ; But no such agreement as aforesaid shall be valid or binding for more than one year from the date thereof, unless in the course of such year, it be ratified by the Shareholders of the Company, duly assembled at a general meeting thereof.

XXIII. The Directors of the Company may, subject to the rules and regulations, from time to time, of the Board, appoint an Agent in the City of London, in England, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of Scrip and Stock Certificates, and thereupon shares may be transferred from the Canada Office to the London Office in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa* ; and shares originally taken and subscribed for in Great Britain may be entered upon the books at the London Office, and Scrip Certificates be issued for them, and the Agent or other officer shall transmit an accurate list of all such transfers and Scrip Certificates so issued, to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and Scrip Certificates in the Register kept in the Province, and thereupon the same shall be binding on the Company as to all the rights and privileges of Stockholders, as though the Scrip Certificates had been issued by the Secretary of the Company in this Province.

XXIV. It shall not be necessary, previous to the Railway Companies, having a right to a share in the said land appropriation in virtue of this Act, or any one or more of them, and being entitled to have their respective proportions of the said lands, that any other Railway or portion of Railway should be made by any other Company, but on the contrary, so soon as any portion of any of the said Railways, not less than twenty miles in length, shall be actually completed in a good and permanent manner, with stations, rolling stock and other appurtenances, sufficient for the proper working of such portion of such Railway, then and thereafter, from time to time, upon the completion of similar portions thereof or of any other of the said Railways, upon the report of the Inspector of Railways for the time being, the Company which shall have constructed the same shall be entitled to a corresponding proportion of such grant of lands as they



would be entitled to under the said Act nineteenth and twentieth Victoria, Chapter one hundred and twelve, as amended by this Act, in the event of each of the Companies forming the Lake Huron and Quebec Railway Company, complying with the conditions precedent to such grant provided for by the Act incorporating said last mentioned Company ; and if no ungranted lands of the Crown front on the said Railway, then such grant of lands may be made from the vacant lands of the Crown lying within the watershed of the Ottawa River.

XXV. Any debentures issued by the said Companies, or any, or more of them shall form a general mortgage and hypothec upon all the lands hereafter to be granted to the Company so issuing such debentures, provided the said lands be referred to in such debentures in general terms as being thereby charged or mortgaged ; but the payment to the Treasurer of the Company, or to any other person appointed for the purpose as hereinafter provided, by any *bona fide* purchaser of any of the said lands, of the purchase money thereof, and the acquittance by such Treasurer, or other person so appointed on behalf of the holders of such debentures of such purchase money, shall operate as a discharge of such mortgage, in respect of the lands so paid for ; and until other provision be made under the power conferred by this Act for the reception of such monies, the Treasurer of such Company is hereby authorized to receive such purchase money for and on behalf of the holders of such debentures, and shall keep all monies so received separate and apart from the ordinary funds of the Company ; and shall be liable for such monies, as a special depository thereof, until they are invested as hereinafter mentioned, and the monies so received by such Treasurer shall be invested, from time to time, in Government securities, or in the stock of some solvent and well established Chartered Bank in Canada, in the formation of a fund for the payment of the interest on such debentures as it becomes due, and for their redemption at maturity.

XXVI. If it should be deemed more beneficial to the said Companies, or any one or more of them, to allot the said lands so to be granted, or any portion thereof, to the stockholders therein, in proportion to the amount of stock taken by each stockholder, such Company may do so, first regulating by a By-law the mode into which such allotment shall be made and evidenced ; and the shares in favor of which any allotment or appropriation of lands may be made, shall be called " Land Shares."

XXVII. The holders of the debentures of any of the said Companies, having mortgage or hypothec in said lands, or if the said lands be allotted among the shareholders, or any class of the shareholders thereof, then the holders of land shares shall have the right to elect from among themselves three trustees, which election shall be made by such holders of debentures or of land shares as the case may be, at a meeting of such holders called for the purpose, in the same manner as is provided by the Act incorporating such Company for special meetings of the shareholders



thereof ; and may be made by a majority in amount of such holders present at such meeting, either in person or by proxy ; And such Trustees shall have the sole and entire control, management, disposition and direction of the lands represented by the holders of the debentures or land shares, or in which such shareholders have any interest ; and for and on behalf of such shareholders, may mortgage or sell and dispose of such lands and collect and receive the proceeds thereof, as they may see fit, and for that purpose may appoint an agent or agents and have an office or offices either in Canada or elsewhere and on realizing the proceeds of said lands or any of them, may divide the proceeds among such holders or invest the same for the benefit of such holders, and otherwise manage and administer such lands in such manner as may be prescribed by such holders, by resolution or by-law passed at a meeting thereof, called and held in the manner hereinbefore provided, for the election of such Trustees ; and such Trustees shall also have the power, either in person or by proxy, to vote as Directors at meetings of the Directors of such Company ; Provided, always, that the proceeds, after payment of expenses of management, to be audited and approved by the Directors of the Company, of the sale of any such lands, if hypothecated as security for any debentures, on being received by the said Trustees or their agent in that behalf, shall *pro tanto* extinguish such debentures ; and provided, also, that if such lands be allotted in favor of land shares, such Trustees shall not have any control over such lands until such land shares be paid up, and until that time, such lands shall be managed by the Directors of the Company, for the benefit of such land shares.

XXVIII. This Act shall be a Public Act.

#### SCHEDULE A.

Know all men by these presents, that I (or we, *as the case may be*,) A.  
 B. of in consideration of  
 paid to me (or us, *as the case may be*,) by  
 the receipt whereof is hereby acknowledged, do hereby grant, bargain,  
 sell, convey, and confirm unto the said Company, their successors and  
 assigns for ever all that tract or parcel (or those tracts or parcels, *as the  
 case may be*,) of land situate (*here describe the lands*) the same having been  
 selected and laid out by the said Company for the purposes of their Rail-  
 way : To have and to hold the said lands and premises, with all appurte-  
 nances thereto, to the said their successors and assigns  
 for ever (*here add clause for release of Dower if any*)

Witness my hand and seal (or our hands and seals, *as the case may be*)  
 this day of in the year of Our Lord, one  
 thousand eight hundred and

Signed, sealed and delivered in presence of

## EXTRACTS FROM 19, 20 VIC., CAP. CXII.

An Act to provide for and encourage the construction of  
a Railway from Lake Huron to Quebec.*[Assented to July 1st, 1856.]*

**W**HEREAS it is of the utmost importance to the general interests of this Province, that a main line of Railway communication should be opened from Lake Huron to the Ottawa and thence to Quebec in the most direct line; And whereas the opening of such line from Arnprior or some place between Arnprior and Pembroke, on the River Ottawa, to such point on Lake Huron as may be found best adapted for the purpose, would secure for the said main line so large a proportion of the travel and traffic of the Great West as to ensure the success of the remainder of the line from the River Ottawa to Quebec, while it would also open for settlement a most valuable tract of country now unimproved and waste, and it is therefore expedient to grant special encouragement and aid to the construction of such Railway as aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The Presidents, Directors and Stockholders of the North Shore Railway Company, the Vaudreuil Railway Company, the Montreal and Bytown Railway Company, the Bytown and Pembroke Railway Company, and the Brockville and Ottawa Railway Company, shall be and are hereby constituted a body politic and corporate by the name of the Lake Huron, Ottawa and Quebec Junction Railway Company, each for the share hereinafter mentioned.

II. The Montreal and Bytown Railway Company, and the Vaudreuil Railway Company shall be entitled each to make half the Railway from opposite Grenville to the City of Ottawa, dividing such Railway between them; the Montreal and Bytown Railway Company taking the half nearest to Grenville; but with power to the Directors of the two Companies to agree that the Road shall be made and worked by the Companies in common, upon such terms and conditions as shall be made in such agreement.

III. Each of the said Companies shall have a share in the Company hereby constituted, and hereinafter also called the New Company, proportionate to the length of so much of its own Railway as forms part of the General Line from the Upper Ottawa to Quebec, but inasmuch as the distance from Montreal to Bytown, ought only to be reckoned once in establishing such proportion therefore—

1. The Montreal and Bytown Railway Company, and the Vaudreuil Railway Company shall only be entitled together to a share in the New Company, proportionate to the whole distance from Montreal to the City of Ottawa;—and inasmuch as the last named Company has renounced

any share in the Capital of the New Company founded on that part of its line between Vaudreuil to some point in the Township of Hawkesbury opposite Grenville ; therefore—

2. Dividing the whole Capital of the New Company into one thousand parts, the number of parts to which each Company will be entitled, shall be as follows, viz :

	Parts.
The North Shore Railway Company.....	441
The Montreal and Bytown Railway Company.....	240
The Vaudreuil Railway Company.....	71
The Bytown and Pembroke Railway Company.....	107
The Brockville and Ottawa Railway Company.....	141
	<hr/> 1000

XVIII. And in order to aid and encourage the said Railway from the River Ottawa to Lake Huron ; Be it enacted, that four millions of acres of the ungranted lands of the Crown in the neighborhood of the line of the said Railway, shall be and are hereby set apart for the purposes of this Act ; and whenever any portion of the said Railway, not less than twenty-five miles in length, shall be actually completed in a good and permanent manner, equal at least to that in which the Great Western Railway is made, and with stations, rolling-stock, and other appurtenances sufficient for the proper working of the said Railway, then, upon the report of some skilled Engineer whom the Governor shall appoint for the purpose, and the approval of such report by the Governor in Council, and upon a similar report (made and approved in like manner) that each of the Companies forming the said New Company has completed in like manner, with proper rolling-stock and appurtenances, a portion of its Railway forming part of the general line, and bearing at least as great a proportion to the whole length of such part as such Company's share in the stock of the New Company, bears to the whole of the said stock,—then there shall be granted to the said Lake Huron, Ottawa and Quebec Junction Railway Company, by the Governor in Council, a portion of the said four millions of acres of land lying adjacent to the portion of the said Railway so completed, and bearing such proportion to the four millions of acres, as the length of the portion of the Railway of the said New Company so completed bears to that of the whole of the said Railway ; and such grant shall be a free grant, and the Company shall have full power to alienate the lands so granted, and to deal with them in such manner as they may think proper ; Provided always, that the grants to be so made to the said Company shall be of tracts of land fronting on the said Railway, such frontages to be of ten miles each, and alternating with tracts fronting thereon of the same width and quantity, to be reserved as Public Lands and dealt with as such.

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